

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ISAIAS PERALTA,

Plaintiff,

v.

CAPTAIN HARDLY,

Defendant.

Case No. C10-1658-JCC

ORDER

This matter comes before the Court on Plaintiff's 42 U.S.C. § 1983 complaint, the Report and Recommendation of United States Magistrate Judge James P. Donohue, and Plaintiff's objections. The Court reviewed de novo those portions of a magistrate judge's report or specified proposed findings or recommendations to which Plaintiff objected. *See* 28 U.S.C. § 636(b)(1). Plaintiff's objections do not, however, address the merits of the Report and Recommendation, namely, Plaintiff's failure to abide by several deadlines imposed by the Court and Plaintiff's failure to state a claim on which relief may be granted. Accordingly, the Court ORDERS the following:

1. The Court ADOPTS the Report and Recommendation.
2. The Court DISMISSES Plaintiff's complaint with prejudice for failure to state a claim on which relief may be granted. *See* 28 U.S.C. §§ 1915(e)(2)(B)(ii); 1915A(b)(1).

3. This dismissal constitutes a STRIKE under 28 U.S.C. § 1915(g).

4. The Court DIRECTS the Clerk of Court to send copies of this Order to Plaintiff and to Magistrate Judge James P. Donohue.

DATED this 16th day of March 2011.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE